

Inventor(s): BOUCHARD *et al.*
Application No.: 08/786,937
Attorney Docket No.: 098501-0235299

II. REMARKS

Preliminary Remarks

Reconsideration and allowance of the present application based on the following remarks are respectfully requested. Claims 38-40, 42, 44-53, 56-63, 65, 67-75, 78-84, 86-92, 94-100, 102-108, 110-116, and 118-128 are currently pending in this application. The examiner has asserted that claims 38-40, 42, 44-53, 56-63, 65, 67-75, 78-84, 86-92, 94-100, 102-108, 110-116, and 118-128 are free of the prior art (page 3 of the Office Action). Claims 115, 116, 118-125, 127, and 128 remain at issue. This response is timely filed. The applicants request entry of the foregoing amendment, as it will either place the application for allowance or place the application in better form for an appeal.

On pages 2 and 3 of the specification, the examiner objected to claims 38, 51, 61, 73, 92, 108, and 115 for the following alleged informalities. The examiner requests removal of the term "and" and the number "10" in line 8 of claim 38, line 9 of claim 61, and line 7 of claim 73. In claim 51, the examiner further asserted removal of the term "and" after the number "10" in line 7, and the term "whereby" replaced with the term "wherein" in line 8. The examiner finally requests that the term "whereby" be replaced with the term "wherein" at line 8, claim 92; line 7, claim 108; and line 7, claim 115.

The applicants have amended claims 38, 51, 61, 73, 92, 108, and 115 to correct each of the objected terms. In view of the foregoing amendment, the applicants respectfully request withdrawal of the objection to claims 38, 51, 61, 73, 92, 108, and 115.

The applicants have also amended line 7 in claims 83 and line 6 of claim 99 to further remove extraneous semicolons in these claims. The applicants do not intend by these or any amendments to abandon subject matter of the claims as originally filed or later presented, and reserve the right to pursue such subject matter in continuing applications.

Patentability Remarks

Rejection Pursuant to 35 U.S.C. §112, Second Paragraph

On page 2 of the official action, the examiner rejected claims 115, 116, 118-125, 127, and 128 under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. Specifically,

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the examiner stated the limitation "the Cetorelix" in line 9 of claim 115 does not have sufficient antecedent basis.

Amended claim 115 is now directed to a method for obtaining the production of a fertilizable oocyte within a program of assisted reproduction techniques comprising: (a) allowing normal follicular growth and development to proceed in the absence of stimulation by an exogenous gonadotropin; (b) administering a luteinizing hormone releasing hormone (LHRH) antagonist in a single or dual dosage regimen that prevents a premature LH surge, whereby follicular growth and development proceeds in the absence of a LH surge and a fertilizable oocyte is produced, ovulation occurs between day 9 and 20 of the menstruation cycle, and the LHRH antagonist is sufficient to suppress LH, while FSH secretion is maintained at a natural level and individual estrogen development is not affected. In view of the foregoing amendment, the applicants respectfully submit that the term "Cetorelix" has been replaced with the term "LHRH antagonist." The term "LHRH antagonist" in line 9 of claim 115 has proper antecedent basis as this term is introduced at line 6 of claim 115. Claims 116, 118-125, 127, and 128 are dependent upon claim 115 and thus draw the same limitations. With regard to the "Cetorelix," this term is properly introduced in dependent claim 124 as one of several LHRH antagonist that can be used in the method of claim 115. In view of the foregoing amendment and remarks, the applicants respectfully request that the rejection of claim 115, 116, 118-125, 127, and 128 under 35 U.S.C. §112, second paragraph, for allegedly being indefinite, has been overcome and should be withdrawn.

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III. CONCLUSION

In view of the foregoing, the applicants believe that the claims are in form for allowance, and hereby respectfully solicit such action. If any point remains in issue which the examiner feels may be best resolved through a personal or telephone interview, the examiner is strongly urged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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